

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCES - W/S of * ZONING COMMISSIONER
Cherry Hill Lane, 1,050' SW of *
the c/l of Tarragon Road (Parcel A) * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District * Case No. 90-518-XA
Franklin Boulevard Ltd. Part./
Continental Realty Inv. Corp.,
Petitioners

AMENDED ORDER

WHEREAS the Petitioners herein requested a special exception and variances for a Class B office building on the subject property zoned R.O.;

WHEREAS, the relief requested was granted by Order issued September 7, 1990;

WHEREAS, Counsel for Petitioners subsequently submitted a Motion for Reconsideration requesting that said Order be modified to specify a period of five years for utilization of the special exception granted;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of October, 1990 that Petitioners' request to amend the Order issued September 7, 1990 in the above-captioned matter to permit Petitioners five years from the date of said Order in which to utilize the special exception granted therein, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued September 7, 1990 shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Robert A. Hoffman, Esquire
210 Allegheny Avenue, Towson, Md. 21204

All Protestants
People's Counsel; File

ORDER RECEIVED FOR FILING
Date 9/29/90
By M. Haines

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
W/S Cherry Hill Lane, 659 ft. *
SW of Tarragon Road, Parcel A * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District * CASE # 90-518-XA
Franklin Boulevard Limited
Partnership/Continental Realty
Investors Corp.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Exception, a Class B office building in an R.O. zone; and, pursuant to the Petition for Zoning Variance, variances, as follows:

Section 203.3.B.2.a to permit a Class B office building containing 100% medical offices in lieu of the limitation to a maximum of 25% medical offices;

Section 203.4.C.7 to permit a Class B office building situated upon a 1.5 acre parcel of land (Parcel A) in lieu of the maximum one (1) acre lot size for a Class B office building;

Section 203.4.C.8.c.1 to permit a 15 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the building and a 12 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the parking area, and a 12 foot landscape buffer from the Southwest property line to the parking area in lieu of the minimum 20 foot landscape buffer from adjacent residentially zoned or residentially used property;

Section 203.4.C.8.c.2 to permit no landscape buffer between Parcel A and Parcel B and a landscape buffer of 2 feet from the rear (West) property line to the parking area in lieu of the minimum 10 foot landscape buffer from adjacent non-residentially zoned property;

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Section 203.4.C.3 to permit a 15 foot building setback from the proposed right of way along Cherry Hill Lane in lieu of the minimum 25 foot setback required;

Section 203.4.C.6 to permit 0% previous land area in association with plantings in the interior of the parking lot as Amenity Open Space in lieu of the minimum 7% required, as more particularly described on Petitioner's Exhibits No. 1 and 6.

The Petitioner, Franklin Boulevard Limited Partnership/Continental Realty Investors Corporation by Mark L. Levy, Vice President appeared, testify and was represented by Robert L. Hoffman. Appearing on behalf of the Petition were Ed Hord, Architect, David Martin, Land Planner, Janet C. Henry, Real Estate Broker, Glen Cook, Traffic Engineer, David Sofsky, Lori Hawkins and Bob Marmon. Appearing as Protestants were Jack Abbott, A. Warren Miller, H. Allen Lewis Sr., and L. Driemuller.

This case is the companion case to Petition 90-519-XA. Said Petition addresses Parcel B on the subject site.

Testimony indicated that the subject property known as Franklin Business Park, Parcel A, consists of 1.50 acres +/-, zoned R.O., and is currently unimproved. Testimony indicated that the Petitioner is desirous of constructing a one-story medical office building on Parcel A of the subject site as indicated on Petitioner's Exhibits 1 and 6. Testimony indicated that the site is rectangular in shape with access to Franklin Boulevard.

Testimony and evidence indicated that the site is particularly narrow, which Petitioner contends requires the proposed design as indicated on Petitioner's Exhibits 1 and 6. The Petitioner's experts testified that the project would have no adverse impact on the surrounding community from an esthetic and/or traffic standpoint.

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The Protestants were particularly concerned with the volume of traffic that would be generated by the proposed site. The Protestants testified that they were concerned that a new residential development located not far from the subject site, in conjunction with additional traffic created by Petitioner's proposal, would exacerbate the growing traffic problems on Franklin Boulevard.

It is clear that the B.C.Z.R. permits the use proposed in an R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 and 6 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981). The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

The Petitioner has also requested numerous variances, aforementioned.

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that, in view of the shape of the subject site, the Petitioner would suffer a practical difficulty or unreasonable hardship if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the Special Exception and Variance relief should be granted.

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Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of September, 1990 that a Petition for Special Exception for a Class B office building in an R.O. zone, in accordance with Petitioner's Exhibits 1 and 6, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.3.B.2.a to permit a Class B office building containing 100% medical offices in lieu of the limitation to a maximum of 25% medical offices is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.7 to permit a Class B office building situated upon a 1.5 acre parcel of land (Parcel A) in lieu of the maximum one (1) acre lot size for a Class B office building is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.8.c.1 to permit a 15 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the building and a 12 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the parking area, and a 12 foot landscape buffer from the Southwest property line to the parking area in lieu of the minimum 20 foot landscape buffer from adjacent residentially zoned or residentially used property is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.8.c.2 to permit no landscape buffer between Parcel A and Parcel B and a landscape buffer of 2 feet from the rear (West) property line to the parking area in lieu of the minimum 10 foot landscape buffer from adjacent non-residentially zoned property is hereby GRANTED; and,

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IT IS FURTHER ORDERED that Section 203.4.C.3 to permit a 15 foot building setback from the proposed right of way along Cherry Hill Lane in lieu of the minimum 25 foot setback required; and,

IT IS FURTHER ORDERED that Section 203.4.C.6 to permit 0% previous land area in association with plantings in the interior of the parking lot as Amenity Open Space in lieu of the minimum 7% required, in accordance with Petitioner's Exhibit Nos. 1 and 6, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:mmm
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

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IN RE: PETITIONS FOR SPECIAL * BEFORE THE
EXCEPTION AND ZONING VARIANCE * ZONING COMMISSIONER
W/S Cherry Hill Lane, 659 ft. *
SW of Tarragon Road, Parcel A * OF
4th Election District *
3rd Councilmanic District * BALTIMORE COUNTY
Franklin Boulevard Limited
Partnership/Continental Realty * Case No. 90-519-XA
Investors, Corp. * 90-518-XA
Petitioner *

MOTION FOR RECONSIDERATION

On behalf of Franklin Boulevard Limited Partnership, Petitioner in the referenced case, it is respectfully requested that the Zoning Commissioner modify the Order entered on September 7, 1990 and specify a period of five years for the utilization of the Special Exception.

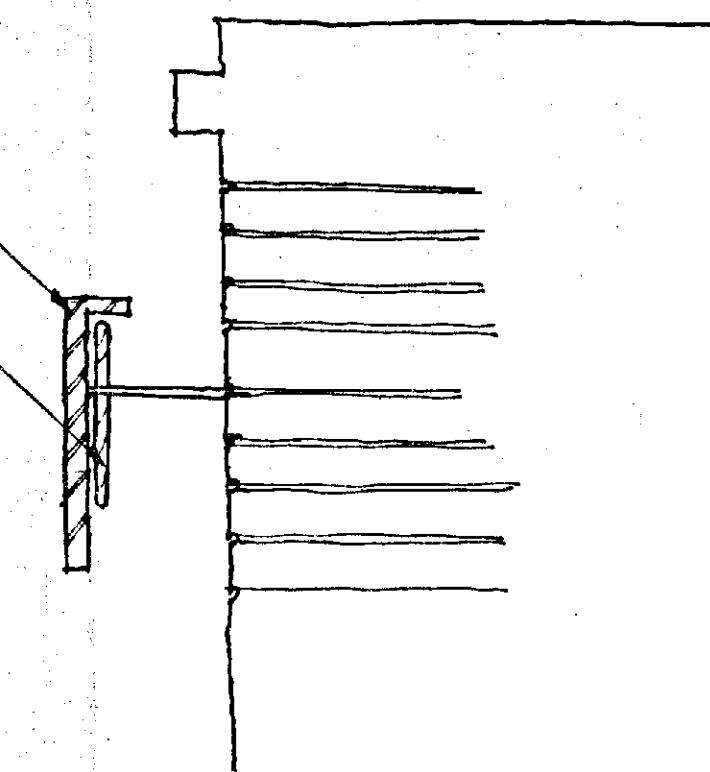
THE NEED FOR A FIVE-YEAR SPECIAL EXCEPTION

The Zoning Commissioner's September 7, 1990 Order is silent as to the term of the Special Exception being granted and thus, under Section 502.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), the Special Exception must be utilized within two years. Section 502.3 B.C.Z.R. also clearly permits the Zoning Commissioner to specify a period of up to five years for utilization of a Special Exception.

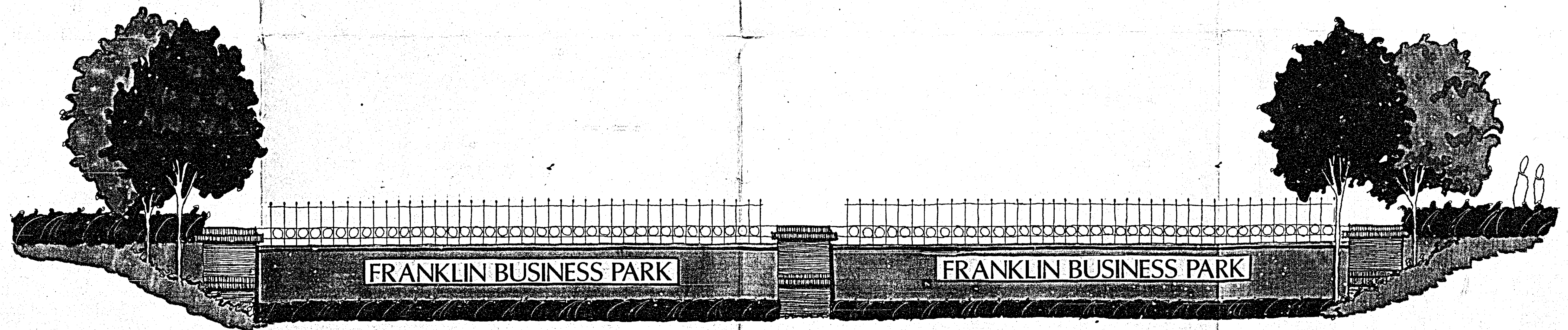
Because of the current economic climate for real estate development, Petitioner may in all likelihood require additional time in which to utilize the special exception and execute its plans. It is respectfully submitted that extending the time frame for utilization will have no impact whatsoever on the relief already granted. Therefore,

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BLACK ANODIZED
CHANNEL LETTERS
LIGHT TUBE



DETAIL OF PIN ON LETTERS

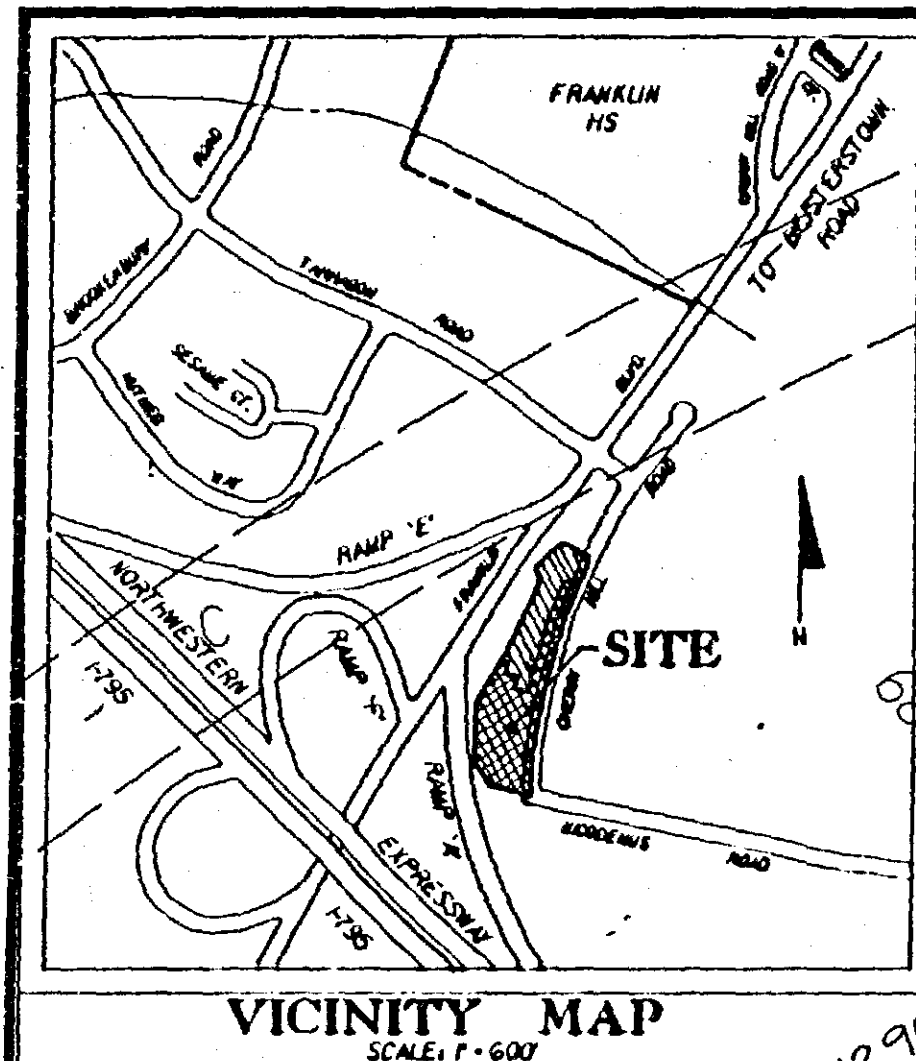


FRANKLIN BUSINESS PARK
IDENTIFICATION SIGN DETAIL

**PETITIONER'S
EXHIBIT 5**

90-518XA

90-519XA



RAMP A

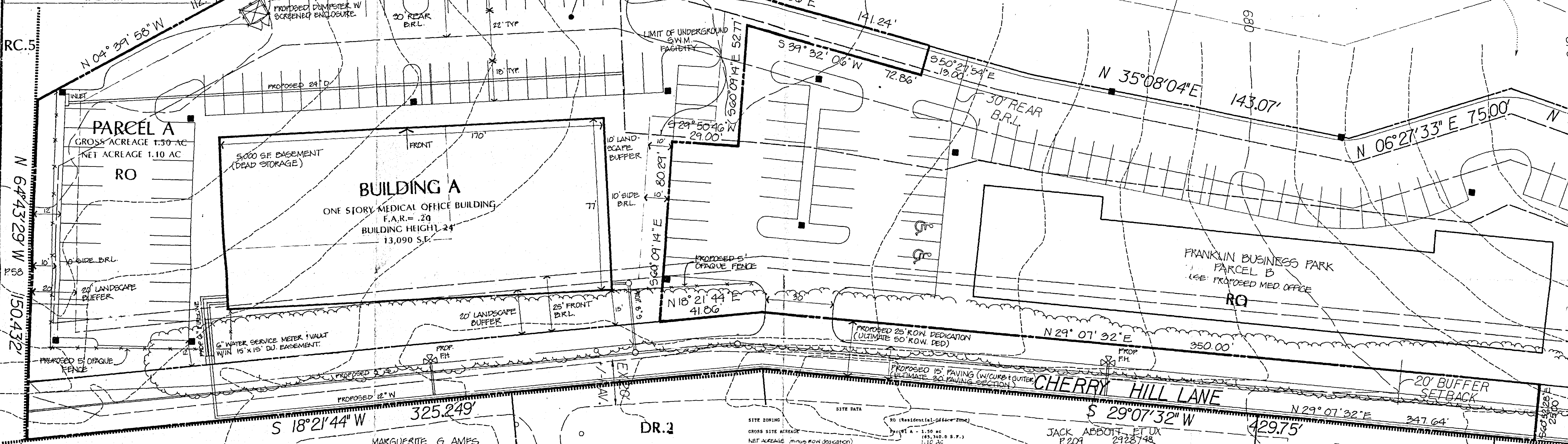
- PREVIOUS CRG, ZONING HEARINGS AND WAIVER REQUESTS
- CRG No. IV-383 - Approved 4/12/90
 - Zoning reclassification pending to reclassify .19 ac DR.2 area of Parcel B to RO. (Initially zoned under Baltimore County Comprehensive Zoning.)
(See # R-10-404-XA ITEM 5, RECLASSIFICATION CYCLE 3)
 - Waiver W-90-66 - Denied 2/23/90
 - Waiver W-90-96 - Denied 4/3/90

OWNER:
FRANKLIN BLVD LIMITED PARTNERSHIP
PARCEL 584 8092/249
ZONING: RO

STATE OF MARYLAND
SHA R/W PLATS #48145 & 48968
USE: FRANKLIN BLVD ROW.

FRANKLIN BOULEVARD

STATE OF MARYLAND
SHA R/W PLATS #48148 & 48969
USE: FRANKLIN BLVD ROW.



KEY

PROPOSED LIGHTING - STERNBERG MODEL
NO.6590 ON 4508 FP 14' POLE

QUALIFYING A.O.S.

ZONING LINE

EXISTING TREES TO BE REMOVED

PROPOSED WATER LINE

PROPOSED SEWER LINE

PROPOSED STORM DRAIN LINE

ADJACENT OWNERS:

Mr. & Mrs. Jack Abbott
117 West Cherry Hill Road
Reisterstown, Maryland 21136

Mr. & Mrs. Douglas Parks
109 West Cherry Hill Road
Reisterstown, Maryland 21136

Franklin Boulevard Limited Partnership
17 West Pennsylvania Avenue
Baltimore, Maryland 21204

Mr. & Mrs. Alvin W. Miller
107 West Cherry Hill Road
Reisterstown, Maryland 21136

State Highway Administration
Item 72467
Brookelandville, Maryland 21027

Ms. Marguerite Ames
West Cherry Hill Road
Reisterstown, Maryland 21136

Mr. & Mrs. Michael Dreimiller
111 West Cherry Hill Road
Reisterstown, Maryland 21136

Parcel A Zoning Public Hearing Requests

- Special Exception to allow a class B building in the RO zone.
- Variance of section 203.3.B.2.a of the B.C.Z.R.: "Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices" - to allow 100% medical office usage.
- Variance of section 203.4.C.7 of the B.C.Z.R.: Maximum lot size - to allow a lot size of 1.50 acres in lieu of the maximum permitted 1.0 acres.
- Variance of section 203.4.C.3 of the B.C.Z.R.: Minimum front yard setbacks - to allow a building setback of 15' from the proposed R.O.W. in lieu of the 25' required.
- Variance of section 203.4.C.8.c.1 of the B.C.Z.R.: Landscape buffer from property lines abutting residentially zoned or residentially used properties, or those abutting a residential street: To allow a landscape buffer of 15' from the proposed R.O.W. to the building; 12' from the proposed R.O.W. to the parking area, and 12' from the Southwest property line to the parking area, in lieu of the 20' required.
- Variance of section 203.4.C.8.c.2 of the B.C.Z.R.: Landscape buffer from property lines abutting non-residentially zoned or residentially used properties: To allow a landscape buffer of 0' between Parcels A and B; and 2' from the rear (West) property line to the parking area, in lieu of the 10' required.
- Variance of section 203.4.C.8 of the B.C.Z.R.: Amenity Open Space - to allow an A.O.S. area of 0.87, in lieu of the 1,059.8 S.F. (73 of 23,669 S.F. parking area) required.

SITE ZONING

GROSS SITE AREA
NET AREA (MINUS ROW DEDICATION)
STRUCTURE SETBACK REQUIREMENTS
(Sect. 203.4.C.3.3 B.C.Z.R.)

1. Front Setback

2. Side Setback

3. Rear Setback

LANDSCAPE BUFFER REQUIREMENTS
(Sect. 203.4.C.8.c B.C.Z.R.)

1. Property lines abutting residentially zoned or used property, or abutting a residential street.

2. Property lines abutting non-residentially zoned or used property.

BUILDING DATA
(Sect. 203.3 B.C.Z.R.)

1. Building Use

2. Building Gross Floor Area

3. Floor Area Ratio Calculations

4. Building Height

5. Exterior Materials

25' or the average of the setbacks of the adjacent structures, whichever is less

10', except if the adjacent property is residentially zoned or used, or is adjacent to a residentially street, then 20'

30'

20'

10'

Medical Office
(100% medical use)

Building A - 13,000 S.F.
(+5,000 S.F. dead storage-treatment)

Building A - 13,000 S.F.
F.A.R. 0.20

Brick facade, metal trim, asphalt shingles

CHERRY HILL LANE

PROPOSED 15' ROW DEDICATION
(ULTIMATE 50' ROW DED.)

PROPOSED 15' PAVING (W/CURB & OUTER
ULTIMATE 20' PAVING SECTION)

25' or the average of the setbacks of the adjacent structures, whichever is less

10', except if the adjacent property is residentially zoned or used, or is adjacent to a residentially street, then 20'

30'

20'

10'

Medical Office
(100% medical use)

Building A - 13,000 S.F.
(+5,000 S.F. dead storage-treatment)

Building A - 13,000 S.F.
F.A.R. 0.20

Brick facade, metal trim, asphalt shingles

PETITIONER'S
Exhibit No. 6

MICHAEL DREIMILLER ET UX
P.274
5975 / 566

PARCEL A

90-518-XA #375

OWNER/DEVELOPER
CONTINENTAL REALTY CORP. INC.
17 WEST PENNSYLVANIA AVENUE
BALTIMORE, MARYLAND 21204
(301) 296-4800

No.	REVISION	DATE	BY

ENGINEERS • ARCHITECTS • PLANNERS • SCIENTISTS • SURVEYORS • PHOTOGRAMMETRISTS

GREENHORNE & O'MARA, INC.

113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
(301) 296-4100

ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • CULPEPER, VA • DULUTH, GA • EXPORT, PA • FAIRFAX, VA • GREENBELT, MD
LEESBURG, VA • MANASSAS, VA • ORLANDO, FL • RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL • WEST PALM BEACH, FL

PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING

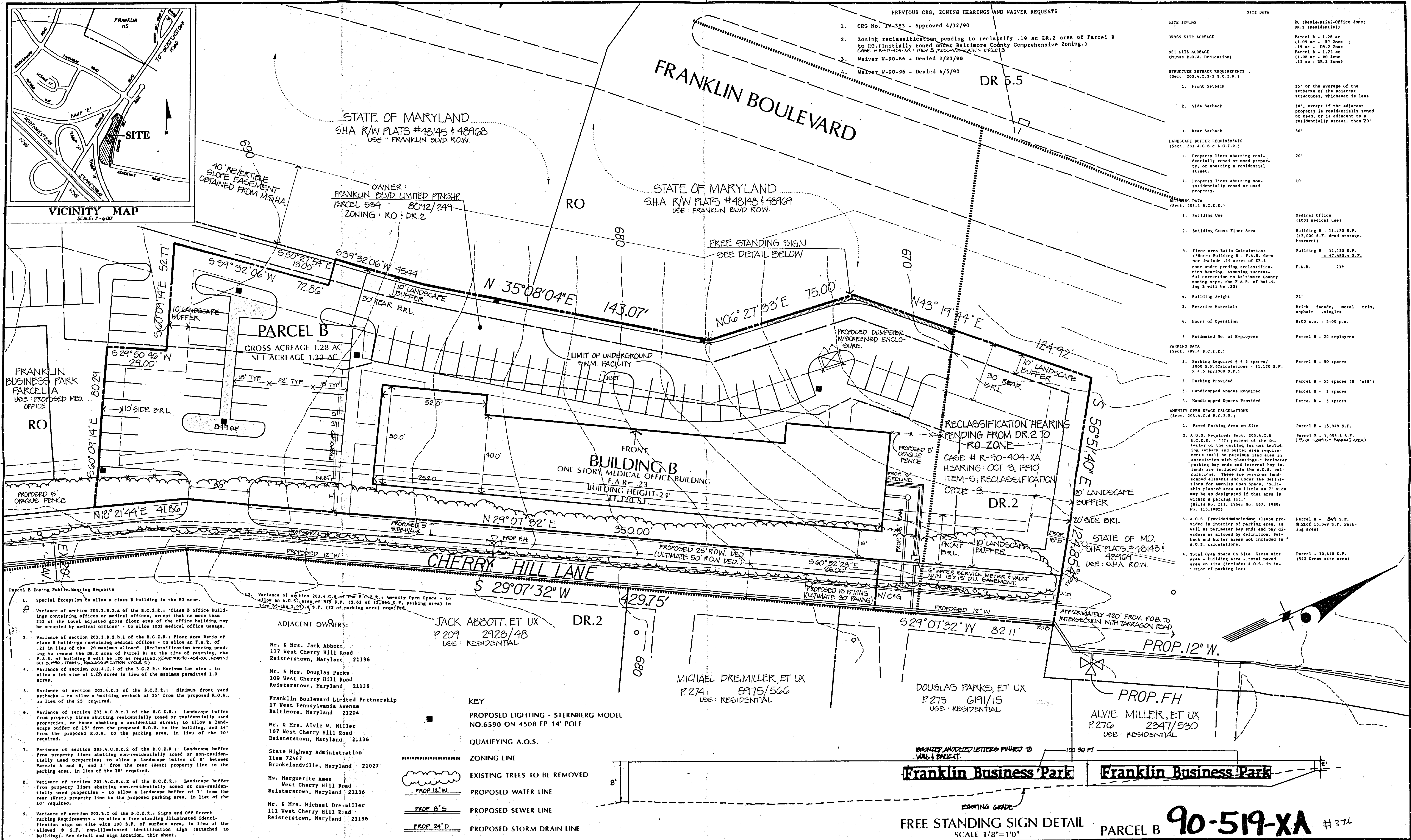
FRANKLIN BUSINESS PARK

ONE CLASS B OFFICE BUILDING

CENSUS TRACT NO. 4-24.01
PUBLIC SERVICES CR# NO. 90023
REGIONAL PLANNING NO. 306A
4TH ELECTION DISTRICT

COUNCILMANIC DISTRICT NO. 3
DEED REFERENCE-S.M.8092/249
TAX ACCOUNT NO. 2100-01623
BALTIMORE COUNTY MARYLAND

LLH DESIGN	SCALE 1" = 20'
LLH DRAWN	1 OF 1
DLM CHECKED	SHEET
4/29/90 DATE	JOB NO.
	FILE NO.



OWNER/DEVELOPER
CONTINENTAL REALTY CORP. INC.
17 WEST PENNSYLVANIA AVENUE
BALTIMORE, MARYLAND 21204
(301) 296-4800

STATE OF MARYLAND
DIVISION OF LAND & NATURAL RESOURCES
LANDSCAPE ARCHITECT

No.	REVISION	DATE	BY

ENGINEERS • ARCHITECTS • PLANNERS • SCIENTISTS • SURVEYORS • PHOTOGRAMMETRISTS
GREENHORNE & O'MARA, INC.
113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
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ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • CULPEPPER, VA • DULUTH, GA • EXPORT, PA • FAIRFAX, VA • GREENBELT, MD
LEESBURG, VA • MANASSAS, VA • ORLANDO, FL • RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL • WEST PALM BEACH, FL

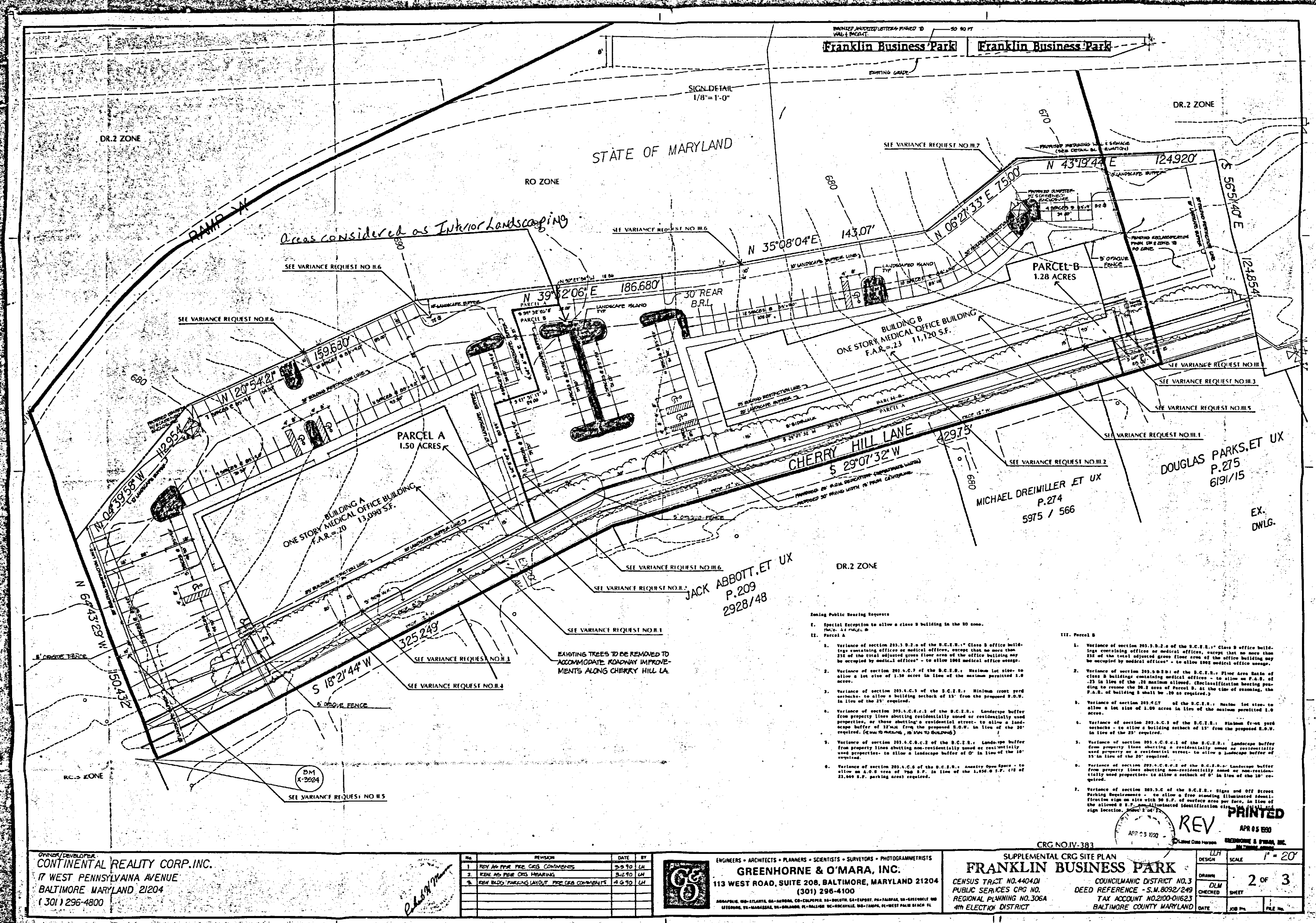
PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING
FRANKLIN BUSINESS PARK
ONE CLASS B OFFICE BUILDING
CENSUS TRACT NO. 4404.01
PUBLIC SERVICES CRG NO. 900023
REGIONAL PLANNING NO. 306A
4TH ELECTION DISTRICT

COUNCILMANIC DISTRICT NO. 3
DEED REFERENCE S.M. 8092/249
TAX ACCOUNT NO. 2100-01623
BALTIMORE COUNTY MARYLAND

LLH DESIGN	SCALE	1" = 20'
LLH DRAWN	1 OF 1	
DLM CHECKED	SHEET	
4/23/90 DATE	JOB NO.	B-1048-W FILE NO.

- PREVIOUS CRG, ZONING HEARINGS AND WAIVER REQUESTS**
- CRG No. IV-383 - Approved 4/12/90
 - Zoning reclassification pending to reclassify .19 ac DR.2 area of Parcel B to R.O. (Initially zoned under Baltimore County Comprehensive Zoning.) CASE # R-90-404-XA ITEM 5, RECLASSIFICATION CYCLE 3
 - Waiver U-90-66 - Denied 2/23/90
 - Waiver U-90-96 - Denied 4/5/90
- SITE ZONING**
- GROSS SITE AREA: 1.28 AC
NET SITE AREA: 1.23 AC (Minus R.O.W. Dedication)
- STRUCTURE SETBACK REQUIREMENTS**
(Sect. 203.4.C.3-5 B.C.Z.R.)
- Front Setback: 25' or the average of the setbacks of the adjacent structures, whichever is less
 - Side Setback: 10', except if the adjacent property is residentially zoned or used, or is adjacent to a residentially zoned street, then 20'
 - Rear Setback: 30'
- LANDSCAPE BUFFER REQUIREMENTS**
(Sect. 203.4.C.6 B.C.Z.R.)
- Property lines abutting residentially zoned or used property, or abutting a residential street: 20'
 - Property lines abutting non-residentially zoned or used property: 10'
- PARKING DATA**
(Sect. 203.4.C.6 B.C.Z.R.)
- Building Use: Medical Office (1001 medical use)
 - Building Gross Floor Area: Building B - 11,120 S.F. (+5,000 S.F. dead storage-basement)
 - Floor Area Ratio Calculations (Notes: Building B - F.A.R. does not include .19 acres of DR.2 zone under pending reclassification hearing. Assuming successful correction to Baltimore County zoning maps, the F.A.R. of building B will be .20): Building B - 11,120 S.F. = 1.72 (F.A.R. .20)
 - Building Height: 24'
 - Exterior Materials: Brick facade, metal trim, asphalt pingles
 - Hours of Operation: 8:00 a.m. - 5:00 p.m.
 - Estimated No. of Employees: Parcel B - 20 employees
- PARKING DATA**
(Sect. 203.4.C.6 B.C.Z.R.)
- Parking Required: 4.5 spaces/1000 S.F. (Calculations - 11,120 S.F. x 4.5 sp/1000 S.F.)
 - Parking Provided: Parcel B - 50 spaces
 - Handicapped Spaces Required: Parcel B - 35 spaces (8 "x18")
 - Handicapped Spaces Provided: Parcel B - 3 spaces
- AMENITY OPEN SPACE CALCULATIONS**
(Sect. 203.4.C.6 B.C.Z.R.)
- Paved Parking Area on Site: Parcel B - 15,049 S.F.
 - A.O.S. Required: Sect. 203.4.C.6 B.C.Z.R. - "(7) percent of the interior of the parking lot not including setback and buffer area requirements shall be pervious land area in association with plantings." Perimeter parking bay ends and internal bay islands are included in the A.O.S. calculations. These are pervious landscaped elements and under the definitions for Amenity Open Space, "Suitably planted areas as little as 7' wide may be so designated if that area is within a parking lot." (Bills No. 111, 1986; No. 167, 1989; No. 115, 1992)
 - A.O.S. Provided (including lands provided in interior of parking area, as well as perimeter bay ends and bay dividers as allowed by definition. Setback and buffer areas not included in A.O.S. calculations): Parcel B - 249 S.F. (2.2% of 15,049 S.F. Parking area)
 - Total Open Space on Site: Gross site area - building area - total paved area on site (includes A.O.S. in interior of parking lot): Parcel B - 30,440 S.F. (542 Gross site area)
- RECLASSIFICATION HEARING**
PENDING FROM DR.2 TO R.O. ZONE
CASE # R-90-404-XA
HEARING: OCT 3, 1990
ITEM-5; RECLASSIFICATION CYCLE-3
- STATE OF MD.**
SHA PLATS #48148 & 48969
USE: SHA ROW.
- ADJACENT OWNERS:**
- Mr. & Mrs. Jack Abbott
117 West Cherry Hill Road
Reisterstown, Maryland 21136
- Mr. & Mrs. Douglas Parks
109 West Cherry Hill Road
Reisterstown, Maryland 21136
- Franklin Boulevard Limited Partnership
17 West Pennsylvania Avenue
Baltimore, Maryland 21204
- Mr. & Mrs. Alvie V. Miller
107 West Cherry Hill Road
Reisterstown, Maryland 21136
- State Highway Administration
Item 72467
Brookelandville, Maryland 21027
- Ms. Marguerite Ames
West Cherry Hill Road
Reisterstown, Maryland 21136
- Mr. & Mrs. Michael Dreimiller
111 West Cherry Hill Road
Reisterstown, Maryland 21136
- KEY**
- PROPOSED LIGHTING - STERNBERG MODEL
NO.6590 ON 4508 FP 14' POLE
- QUALIFYING A.O.S.**
- ZONING LINE**
- EXISTING TREES TO BE REMOVED**
- PROPOSED WATER LINE**
- PROPOSED SEWER LINE**
- PROPOSED STORM DRAIN LINE**
- FREE STANDING SIGN DETAIL**
SCALE 1/8"=1'0"
- PARCEL B 90-519-XA #374**

Franklin Business Park



OWNER/DEVELOPER
CONTINENTAL REALTY CORP. INC.
17 WEST PENNSYLVANIA AVENUE
BALTIMORE MARYLAND 21204
(301) 296-4800

NO.	REVISION	DATE	BY
1	REV. AC. PER. PER. G.S. COMMENTS	2.2.90	LA
2	REV. AC. PER. PER. G.S. COMMENTS	2.2.90	LA
3	REV. AC. PER. PER. G.S. COMMENTS	2.2.90	LA

ENGINEERS - ARCHITECTS - PLANNERS - SCIENTISTS - SURVEYORS - PHOTOGRAMMETRISTS
GREENHORNE & O'MARA, INC.
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(301) 298-4100

SUPPLEMENTAL CRG SITE PLAN
FRANKLIN BUSINESS PARK
COUNCILMANIC DISTRICT NO. 3
DEED REFERENCE - S.M. 8092/249
TAX ACCOUNT NO. 2000-01623
BALTIMORE COUNTY MARYLAND

DATE
SCALE
SHEET
2 OF 3

Petitioner respectfully requests that the Zoning Commissioner modify his Order to permit a five-year term for utilization of the Special Exception.

Respectfully submitted,

Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111
Attorney for Petitioner

cc: Protestants
Jack H. Abbott
117 W. Cherry Hill Rd.
Reisterstown, Md. 21136
A. Warren Miller
107 W. Cherry Hill Rd.
Reisterstown, Md. 21136
D. Allen Lewis, Sr.
22 Caraway Rd.
Reisterstown, Md. 21136
Sen. Driemiller
109 W. Cherry Hill Rd.
Reisterstown, Md. 21136

MORNO005.PJC

PETITION FOR SPECIAL EXCEPTION
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-518-XA**
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A Class B office building in a R.O. Zone on Parcel A described herein.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
John R. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

Legal Owner(s):
Franklin Boulevard Limited Partnership
(Type or Print Name)
Continental Realty Investors Corp.,
(Type or Print Name)
By: Mark L. Levy, Vice President
(signature)
Address
City and State
Name and telephone number of legal owner, contract purchaser or representative to be contacted
John R. Howard, Esquire
Name 210 Allegheny Avenue
Towson, MD 21204
Telephone No. 823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 16 day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15 day of July, 1990, at 9:30 o'clock
A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

September 4, 1990

Dennis F. Rasmussen
County Executive

John B. Howard, Esquire
Robert Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 90-518-XA
Franklin Boulevard Ltd. Partnership, etc.
Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
attachment
cc: Peoples Counsel
cc: Petitioners
cc: Protestants

Greenhorne & O'Mara, Inc.
113 WEST ROAD • SUITE 208 • BALTIMORE, MARYLAND 21204 • (301) 296-4100
ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

DESCRIPTION OF 1.50 AC. +/-
PARCEL A
FRANKLIN BUSINESS PARK
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

BEING a part of the secondly described parcel of land contained in a deed dated February 1, 1989 conveyed from Nathan Scherr and Nathan Metz to Franklin Boulevard Limited Partnership recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8092 Folio 249 and being more particularly described as follows:

BEGINNING for the same at a point in the center of Cherry Hill Lane, said point being the beginning of the third North 64° 43' 29" West 150.43 feet line of the same tract of land described in the aforementioned Liber S.M. 8092 Folio 249, thence departing said centerline and binding on said third line,

1) North 64° 43' 29" West 150.43 feet to intersect the right of way line of Interstate 793 (also known as the Northwest Expressway) as shown on State Highway Administration of Maryland Right of Way Plat Nos. 48143, 48148, 48611, and 48968; thence binding on said right of way line the three following courses and distances, viz:

2) North 04° 39' 58" West 112.95 feet, thence

3) North 20° 54' 21" East 159.68 feet, thence

4) North 39° 32' 06" East 141.24 feet; thence departing said right of way for five lines of division, viz:

5) South 50° 27' 54" East 13.00 feet, thence

6) South 39° 32' 06" West 72.86 feet, thence

7) South 60° 09' 14" East 52.77 feet, thence

8) South 29° 50' 46" West 29.00 feet, thence

9) South 60° 09' 14" East 80.29 feet to a point on a line drawn twenty five feet north of and parallel to the centerline of Cherry Hill Lane said line being the northern edge of the proposed widening of Cherry Hill Lane; thence along said widening line the two following courses and distances, viz:

10) North 18° 21' 44" East 41.86 feet, thence

11) North 29° 07' 32" East 350.00 feet; thence crossing said widening at right angles,

ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • BALTIMORE, MD • CULPEPER, VA • DULUTH, GA • EXPORT, PA
FAIRFAX, VA • GREENBELT, MD • LEBANON, VA • MANASSAS, VA • ORLANDO, FL • RALEIGH, NC
ROCKVILLE, MD • TAMPA, FL • WEST PALM BEACH, FL

#375

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-518-XA**
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (See Attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

Legal Owner(s):
Franklin Boulevard Limited Partnership
(Type or Print Name)
Continental Realty Investors Corp.,
(Type or Print Name)
By: Mark L. Levy, Vice President
(signature)
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Towson, MD 21204
Address
Phone No. 823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 16 day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15 day of July, 1990, at 9:30 o'clock
A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

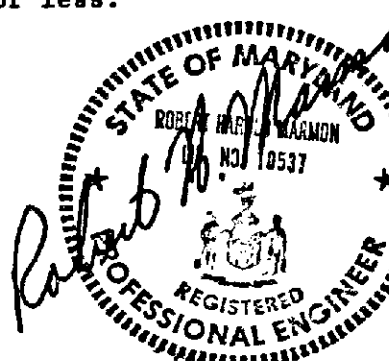
(over)

12) South 60° 52' 28" East 25.00 feet to intersect the centerline of Cherry Hill Lane; thence along said centerline the two following courses and distances, viz:
13) South 29° 07' 32" West 347.64 feet, thence
14) South 18° 21' 44" West 325.25 feet to the point of beginning.

CONTAINING 65,340 square feet or 1.50 acres of land, more or less.

January 17, 1990
Revised February 27, 1990
Revised April 20, 1990
EWS

FOR ZONING PURPOSES ONLY



#375

PARCEL A **90-518-XA**

203.3.B.2.a to permit a Class B office building containing 100% medical offices in lieu of the limitation to a maximum of 25% medical offices.

203.4.C.7 to permit a Class B office building situated upon a 1.5 acre parcel of land (Parcel A) in lieu of the maximum one (1) acre lot size for a Class B office building.

203.4.C.8.c.1 to permit a 15 foot landscape buffer from the proposed right-of-way along Cherry Hill Lane to the building, a 12 foot landscape buffer from the proposed right-of-way along Cherry Hill Lane to the parking area, and a 12 foot landscape buffer from the Southwest property line to the parking area in lieu of the minimum 20 foot landscape buffer from adjacent residentially zoned or residentially used property.

203.4.C.8.c.2 to permit no landscape buffer between Parcel A and Parcel B and a landscape buffer of 2 feet from the rear (West) property line to the parking area in lieu of the minimum 10 foot landscape buffer from adjacent non-residentially zoned property.

203.4.C.3 to permit a 15 foot building setback from the proposed right-of-way along Cherry Hill Lane in lieu of the minimum 25 foot setback required.

203.4.C.6 to permit 0% previous land area in association with plantings in the interior of the parking lot a Amenity Open Space in lieu of the minimum 7% required.

CERTIFICATE OF PUBLICATION

TOWSON, MD, June 18, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 14, 1990.

JEFFERSONIAN
OWINGS MILLS TIMES,

S. Zake Orban
Publisher

PO 105508

CERTIFICATE OF PUBLICATION

TOWSON, MD, June 28, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 21, 1990.

OWINGS MILLS TIMES,

S. Zake Orban
Publisher

PO 105508

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 6-16-90
Posted for: Franklin Blvd. Ltd Partnership/Continental Realty Investors Corp.
Petitioner: Franklin Blvd. Ltd Partnership/Continental Realty Investors Corp.
Location of property: W side of Cherry Hill Lane, 1650 SW of Tarragon Road - Parcel A
Location of Sign: West side of Cherry Hill Lane at parcel 175' north of Tarragon Road
Remarks: J. Robert Haines
Posted by: J. Robert Haines Date of return: June 22 - 90
Number of Signs: 4

90-518-XA

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 8/08/90 M9100101
PUBLIC HEARING FEES QTY PRICE
060 - POSTING SIGNS / ADVERTISING 1 X \$252.40
TOTAL: \$252.40
LAST NAME OF OWNER: FRANKLN BLVD PRTHS

90-518-XA

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: N: 2280

receipt

Date: 4/25/90 H9000575
PUBLIC HEARING FEES QTY PRICE
060 - ZONING VARIANCE (OTHER) 1 X \$175.00
060 - SPECIAL EXCEPTION 1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: FRANKLN BLVD PRTHS

(Parcel A)

B 8100****350000a 0268F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 23, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Exception and Zoning Variance
CASE NUMBER: 90-518-XA
W/S Cherry Hill Lane, 1050' SW of Tarragon Road-Parcel A
4th Election District - 3rd Councilmanic
Petitioner(s): Franklin Boulevard Limited Partnership/Continental Realty Investors Corp.
HEARING: THURSDAY, JULY 12, 1990 at 9:30 a.m.

Special Exception: A Class B office building in an R.O. zone.
Variance to permit a Class B office building containing 1005 medical offices in lieu of the limitation to a maximum of 250 medical offices; AND to permit a Class B office building situated upon a 1.5 acre parcel of land in lieu of the maximum one acre lot size for a Class B office building; AND to permit a 15 ft. landscape buffer from the proposed right-of-way along Cherry Hill Lane to the building, a 12 ft. landscape buffer from the Southwest property line Hill Lane to the parking area, and a 12 ft. landscape buffer from adjacent residentially zoned or residentially used property AND to permit no landscape buffer between Parcel A and Parcel B and a landscape buffer of 2 ft. from the rear (West) property line to the parking area in lieu of the minimum 10 ft. landscape buffer from adjacent non-residentially zoned property; AND to permit a 15 ft. building setback from the proposed right-of-way along Cherry Hill Lane in lieu of the minimum 25 ft. setback required; AND to permit of previous land area in association with plantings in the interior of the parking lot a Amenity Open Space in lieu of the minimum 75 required.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: John B. Howard, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 22, 1990

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 375, Case No. 90-518-XA
Petitioner: Franklin Blvd Ltd, et al
Petition for Zoning Variance and
Special Exception

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: July 6, 1990



Dennis F. Rasmussen
County Executive

Franklin Boulevard Limited Partnership
Continental Realty Investors Corp.
c/o John B. Howard, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Zoning Variance
CASE NUMBER: 90-518-XA
W/S Cherry Hill Lane, 1050' SW of Tarragon Road-Parcel A
4th Election District - 3rd Councilmanic
Petitioner(s): Franklin Boulevard Limited Partnership/Continental Realty Investors Corp.
HEARING: THURSDAY, AUGUST 9, 1990 at 9:30 a.m.

Gentlemen:
Please be advised that \$252.40 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland Fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 19, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 90-518-XA and 90-519-XA
PETITIONER(S): Franklin Blvd. LTD Partnership/Continental Realty
LOCATION: W/S Cherry Hill Lane, SW of Tarragon Road

THE ABOVE MATTERS HAVE BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, AUGUST 9, 1990 at 9:30 a.m.

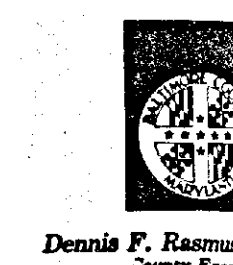
IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
cc: Franklin Boulevard Limited Partnership
John B. Howard, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 16th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Franklin Blvd Ltd Partnership, et al
Petitioner's Attorney: John B. Howard

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

May 24, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 353, 361, 373, 374, 375, 376, 377, 378 and 379.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

RECEIVED
MAY 25 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(410) 887-4500

Paul H. Heinke
Chief

MAY 10, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRANKLIN BOULEVARD LIMITED
Location: W/S OF CHERRY HILL LANE
Item No.: 375 Zoning Agenda: MAY 15, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

MAY 1 1990

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 15, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for Items 353, 361, 374, 377 and 379

For Items 379 and 376, the previous County Review Group Comments still apply.

For Item 373, the shed shown in the easement is acceptable if not permanent (on a concrete base).

For Item 378, the lot is parallelogram. If the house is not built square to the side lot lines, the northern-most corner of the house will have much less than a 10-foot side yard.

RWB:s

Robert W. Bowling / DAK
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

January 10, 1991

Paul J. Consbruck
Venable, Baetjer & Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Franklin Business Park
90-518-XA & 90-519-XA

Dear Mr. Consbruck:

I am writing regarding your letter of December 19, 1990 concerning the above-mentioned case numbers.

After consultation with the Zoning Commissioner, J. Robert Haines, it has been determined that the variance for a rear setback of 15 feet in lieu of the required 30 feet was not covered with said Order. It is, therefore, necessary to apply for another hearing in order to obtain this variance.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

cc: Catherine Milton

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD
FALLS CHURCH, VA
FARMERS BRANCH, VA
FREDERICK, MD
GAITHERSBURG, MD
HAGERSTOWN, MD
HYATTSVILLE, MD
JANESVILLE, WI
JENKINS, VA
JESSELTON, NC
JOPPA, MD
JUPITER, FL
KATONAH, CT
KATONAH, IL
KATONAH, NY
KATONAH, OH
KATONAH, PA
KATONAH, RI
KATONAH, SC
KATONAH, TN
KATONAH, VA
KATONAH, WI
KATONAH, WV

December 19, 1990

301 494-9181

HAND-DELIVERED

W. Carl Richards, Jr.
Zoning Coordinator
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Franklin Business Park

Dear Mr. Richards:

Enclosed please find a letter for Robert Haines' signature clarifying the referenced issue.

Please let me know if the letter is consistent with your view in this matter. Thank you.

Very truly yours,

Paul J. Consbruck
Paul J. Consbruck

PJC/jhw
Enclosure

RECEIVED DEC 19 1990

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD
FALLS CHURCH, VA
FARMERS BRANCH, VA
FREDERICK, MD
GAITHERSBURG, MD
HAGERSTOWN, MD
HYATTSVILLE, MD
JANESVILLE, WI
JENKINS, VA
JESSELTON, NC
JOPPA, MD
JUPITER, FL
KATONAH, CT
KATONAH, IL
KATONAH, NY
KATONAH, OH
KATONAH, PA
KATONAH, RI
KATONAH, SC
KATONAH, TN
KATONAH, VA
KATONAH, WI
KATONAH, WV

December 19, 1990

J. Robert Haines
Zoning Commissioner
County Office Building, 1st Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Nos. 90-519-XA and 90-518-XA,
Franklin Business Park, Petitioner

Dear Mr. Haines:

As you may recall, the Petitioner in the referenced cases was granted (among other things) variances from Section 203.4.C.3 to permit a 15-foot building setback from the proposed right-of-way along Cherry Hill Lane in lieu of the minimum 25-foot front-yard setback requirement. This was consistent with the amended CRG comments, which stated the following variances for both Lots A and B:

"203.4.C.3 of the B.C.Z.R.: Minimum front yard setbacks to allow a building setback of 15 feet from the proposed right-of-way in lieu of the 25 feet required."

(See Item No. 4 for Lots "A" and "B", page 3 and 4 respectively, enclosed).

Some question has arisen as to whether the proper setback was requested since the front door of the proposed building does not face Cherry Hill Lane.

We believe the CRG comments to be correct and that applying for a front-yard setback along Cherry Hill Lane was consistent with the spirit and intent of Section 203.4.C.3 of the Baltimore County Zoning Regulations because the ingress and egress for the site occur from Cherry Hill Lane and the buildings "front" on Cherry Hill Lane, it is notwithstanding the location of the front door. Additionally, it is submitted that no purpose would be served by requiring a further hearing to request a 15-foot variance for the rear yard in lieu of

J. Robert Haines
December 19, 1990
Page 2

the required 30 feet. The wording of the Variance would change but the building location and all other factors would remain the same. If, however, you decide a rear-yard variance was required we submit that the order can be amended on the basis of fraud, mistake or irregularity pursuant to Maryland Rule 2-535(b), or as a clerical mistake under 2-535(d).

If you agree that the relief granted was correct please indicate your agreement by counter-signing below. Otherwise, it is respectfully requested that the Order in Case Nos. 90-519-XA and 90-518-XA be amended to reflect the granting of a rear-yard variance.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/jhw
cc: W. Carl Richards
Kate Milton

J. Robert Haines, Zoning Commissioner

Date

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: June 8, 1990

SUBJECT: Franklin Business Park

INFORMATION:

Applications: Nos. 375 and 376
Petitioner: Continental Realty Investors Corp.
17 West Pennsylvania Avenue
Baltimore, Maryland 21204

Property Location: I-795/Franklin Boulevard

Size: Parcel A - 1.5+ acres gross, 1.10+ acres net
Parcel B - 1.23+ acres gross, 1.08+ acres net
(.19+ acres D.R.)
Parcel A - R-O
Parcel B - R-O/D.R.

Hearing:

Requested Action: 1. Class B office buildings in an R-O zone.
2. Permit 100% medical use for both buildings.
3. Allow parcel sizes greater than 1 acre.
4. Reduce the required landscape buffers.
5. Reduce building setbacks.
6. Reduce interior landscaping.

Attachments: A. Vicinity Map
B. CRG Comments
C. Staff Exhibit

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY FIVE YEAR GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE: April 12, 1990

PROJECT NAME: Franklin Business Park 10:00 a.m. XXXXX PLAN

PROJECT
NUMBER: IV-383

The Franklin Business Park CRG plan proposes two (2) class "B" buildings totalling 24,210 square feet of office space on 2.59 acres zoned R0 located between Franklin Boulevard and Cherry Hill Lane. The Office of Planning and Zoning has reviewed the subject plan dated April 6, 1990, and submits the following comments:

This CRG plan has been evaluated for compliance with Section 22-104 of the Baltimore County Development Regulations. The proposed Class "B" office buildings are considered to be appropriate to the specific circumstances of the site provided the following condition is met:

1. A special exception for two (2) Class "B" office buildings in an R0 zone is granted by the Zoning Commissioner with the following variances:

PARCEL "A"

o Variance of Section 203.3.B.2.a of the B.C.Z.R.: "Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices" - to allow 100% medical office usage.

o Variance of Section 203.4.C.7 of the B.C.Z.R.: Maximum lot size to allow a lot size of 1.50 acres in lieu of the maximum permitted 1.0 acres.

o Variance of Section 203.4.C.3 of the B.C.Z.R.: Minimum front yard setbacks - to allow a building setback of 15' from the proposed R.O.W. in lieu of the 25' required.

o Variance of Section 203.4.C.8.c.1 of the B.C.Z.R.: Landscape buffer from property lines abutting residentially zoned or residentially used properties, or those abutting a residential street - to allow a landscape buffer of 12' minimum from the proposed R.O.W. in lieu of the 20' required. (12' min. to parking; 15 min. to building)

o Variance of Section 203.4.C.8.c.2 of the B.C.Z.R.: Landscape buffer from property lines abutting non-residentially zoned or residentially used properties - to allow a landscape buffer of 0' in lieu of the 10' required.

o Variance of Section 203.4.C.6 of the B.C.Z.R.: Amenity Open Space - to allow an A.O.S. area of 738 S.F. in lieu of the 1,636.8 S.F. (7% of interior [23,669 S.F.] parking area) required.

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, April 12, 1990

FRANKLIN BUSINESS PARK

District 4 CD

COUNTY REVIEW GROUP - THOSE PRESENT

Les Schreiber, Chairman - Dept. of Public Works
Joe Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Larry Pilson - DEPRM
Herb Oberst - Bureau of Public Services
David Beyer - Developers Engineering Division
Larry Yeager - DEPRM/Storm Water Management
Rahim Famill - Traffic Engineering

DEVELOPER AND/OR REPRESENTATIVES

David Martin - Greenhorne & O'Mara, Inc.
David Sofsky - Greenhorne & O'Mara, Inc.
Bob Hoffman - Veneble, Bastjer & Howard
Mark Levy - Continental
J. Anderson - Veneble, Bastjer & Howard
Julie Warehime - Continental
Wickey Cornelius - The Traffic Group

INTERESTED CITIZENS

Please See Attached

Mr. Schreiber, Chairman, opened the meeting at 10:10 a.m., introduced the staff, and explained the purpose of the meeting. Mr. Martin presented the plan.

Mr. Maranto summarized the staff comments submitted from Fire Department, Developers Engineering Division, Baltimore City Dept. of Public Works, Storm Water Management, Department of Environmental Protection and Resource Management (DEPRM), State Highway Administration, Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks, Bureau of Sanitation, Bureau of Land Acquisition. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

The Franklin Business Park CRG plan proposes two (2) class "B" buildings totalling 24,210 square feet of office space on 2.59 acres zoned R0 located between Franklin Boulevard and Cherry Hill Lane.

CRG Summary Franklin Business Park Page 2

The Plan for the subject site dated December 28, 1989, with latest revision dated April 6, 1990, has been reviewed by the CRG Staff. The following highlighted comments were reviewed:

Developers Engineering Division - The previous CRG comments dated March 7, 1990 are still applicable with the following additions received from the Baltimore City Water Division: (1) A 12-inch main should be installed in Cherry Hill Lane from the existing 12-inch main in Tarragon Road to Nicodemus Road; (2) Individual metered services for the Parcel A and Parcel B may be taken from the proposed 12-inch main in Cherry Hill Lane; (3) The developer should arrange to have fire flow tests made to determine if the water available is adequate for fire protection and domestic service. Arrangements for fire flow tests can be made by contacting Mr. T. F. Schwartz, Chief of Pumping Section, Bureau of Water and Waste Water, Ashburton Filtration Plant, 3001 Druid Park Drive.

Storm Water Management - 2-, 10-, and 100-year peak quantity management is required. Infiltration practices must be investigated and are preferred where practical. Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas. All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, storm drain, wetland or adjacent property. Should the developer decide that alternative #2 is feasible, then he must convey all on-site water to that facility in a safe manner.

Planning - Any special exceptions, variances or special hearings necessary for this project may delay signature until such hearings have been resolved before the Zoning Commissioner. A copy of the Zoning Commissioner's order should accompany the approved CRG plan filed for signature. Although the CRG Plan may be approved, the outcome of the required hearing(s) may necessitate future revisions. The Office of Planning and Zoning reserves the right to comment on the petitioners request at the Zoning Commissioner's hearing.

Zoning - All variances must be conspicuously listed on the plan by parcel, S.C.Z.R. section number and must clearly indicate the quantity requested and the quantity required or allowed. Correct and add all variances where compliance with Section 203.3.B and other sections has not been clearly shown on the plans.

Traffic Engineering - The ADT figures need to be corrected. The proposed widening along Cherry Hill Road West just west of Tarragon Road needs to occur entirely on the south side thus meeting the existing radius on the north side. The proposed 36-foot paved section needs to be extended approximately 180 feet west of Tarragon Road and tapered back to the existing paving at a 10:1 taper.

CRG Summary Franklin Business Park Page 3

The developer was asked by Mr. Schreiber if he took issue with any of the comments presented by the CRG. Mr. Levy replied that they would comply with the comments. Mr. Schreiber again stated that CRG approval is contingent upon all plan comments being addressed, and final zoning approval is contingent upon the outcome of the public hearings.

The citizens were invited to comment and comments were reviewed:

Mr. Jack Abbott of 119 W. Cherry Hill Road, would like to see Cherry Hill Road widened.

Mr. Levy stated that the roadway will be 30 feet wide on a 50-foot right-of-way, and will be improved only on his side of the right-of-way.

CONCLUSION: The plan was approved, the appeal process was explained, and the meeting was adjourned at 10:40 a.m.

C.R.G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SEE 2ND SHEET ATTACHED

PLEASE PRINT

SIGN IN

NAME

ADDRESS

Baxter Smith
Barbara Bandy
Jack Is G.H.R.
Tara Franklin Firing

Community Times
Cunning, M.D., Times
Ed
115 Chestnut Hill Lane West



Traffic Impact Analysis for

FRANKLIN BUSINESS PARK
Baltimore County, Maryland

Prepared for
CONTINENTAL REALTY CORPORATION

August 7, 1990

Janet C. Henry

Senior Associate/Research Services

Ms. Henry possesses a diverse background of commercial, industrial, and residential real estate experience. She has worked as an acquisition specialist for a major oil company; sold industrial property for the developers of the New Town of Columbia, Maryland; and worked on the development of a regional shopping center for The Rouse Company.

During her tenure at IMRG, Ms. Henry has conducted market analyses and feasibility studies of office, shopping center, and commercial and industrial properties, as well as housing for seniors. She has also served as an expert witness in commercial rezoning cases.

Ms. Henry currently directs IMRG's corporate real estate services division, which advises corporations on real estate matters and acquires and disposes of real estate on behalf of clients. She also participates as a consultant to the research division on selected assignments and leads research projects on elderly housing.

Experience
Legg Mason Realty Group, Inc.
Baltimore, MD
1987-Present

Retirement Community Developers, Inc.
Alexandria, VA
Vice President
1984-1987

Investors Management Group, Ltd.
Columbia, MD
Director of Special Projects
1982-1984

The Rouse Company
Columbia, MD
Project Coordinator
1977-1982

Amerada Hess Corporation
Woodbridge, NJ
1973-1977

Education
Graduate Studies
Temple University
Vanderbilt University

Master of Science in Retailing
The Pennsylvania State University, 1972

Bachelor of Arts in Sociology
The Pennsylvania State University, 1964

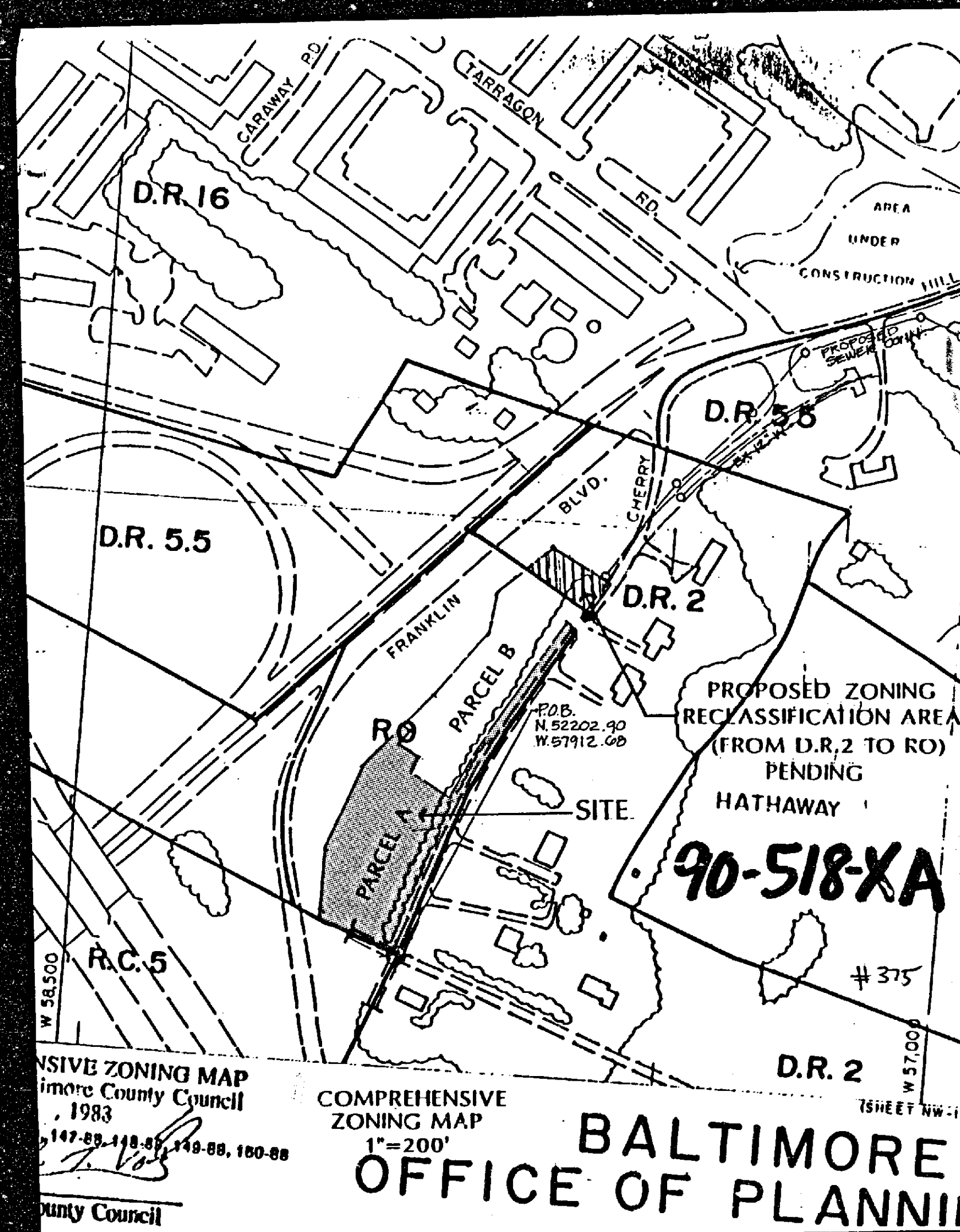
Registration
Licensed Real Estate Agent, Maryland and Pennsylvania

Associations
National Association Office and Industrial Parks
American Association of Homes for the Aging
Commercial Real Estate Women
Greater Baltimore Board of Realtors

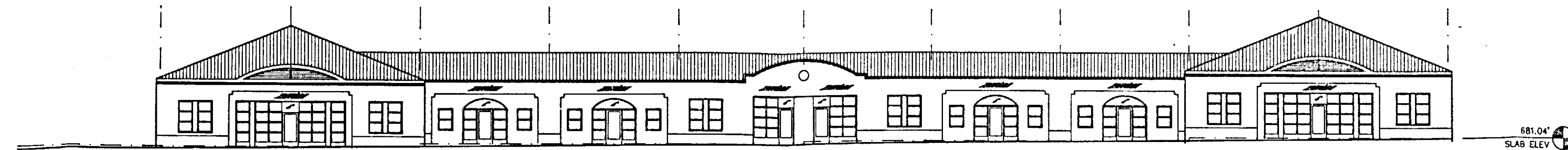
Significant Projects
Route 32 Industrial Product, Annapolis Junction, MD
Windsor Mall, Bel Air, MD
The Heartlands Retirement Community, Ellicott City, MD
Whitfield Senior Housing, Buffalo, NY
Ft. Meade Retail, Ft. Meade, MD
McPhail Road Retail, Bel Air, MD

PETITIONER'S
EXHIBIT 4

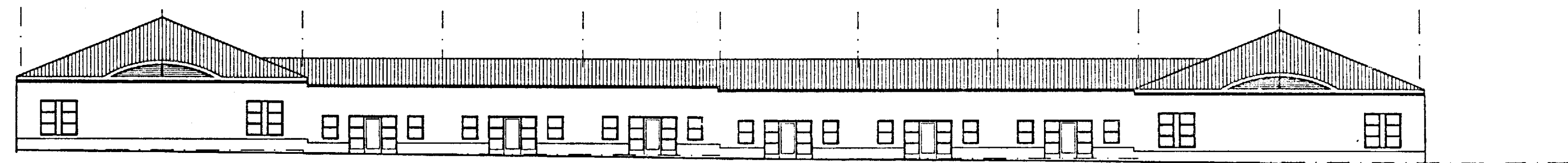
90-519XA
Legg Mason Realty Group, Inc.
90-518XA



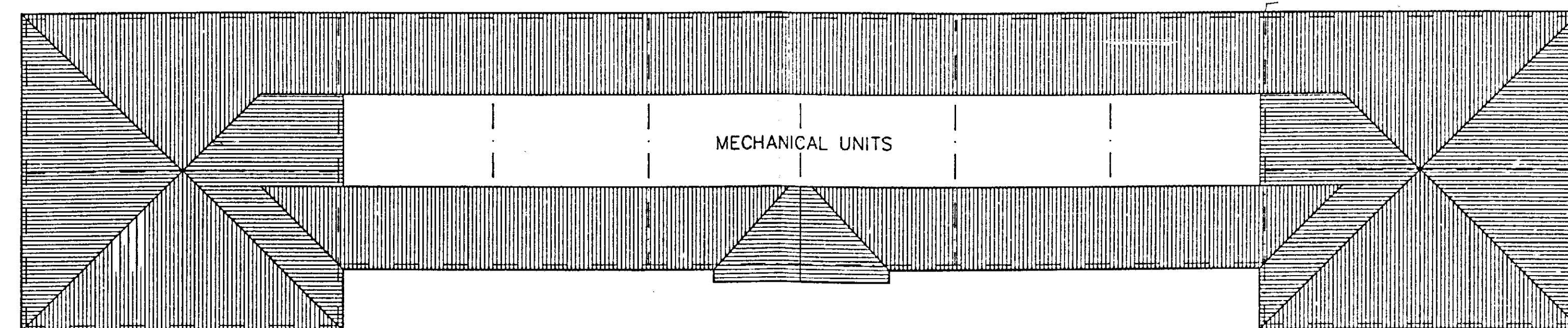
FRANKLIN BOULEVARD
OFFICE BUILDING



1 WEST ELEVATION
A2.1 1/16"=1'-0"



2 EAST ELEVATION
A2.1 1/16"=1'-0"



3 FLOOR PLAN BUILDING "A"
A2.1 1/16"=1'-0" 11,575 SQ. FT.

**PETITIONER'S
EXHIBIT 2**

90-518XA
90-519XA

REVISED

SHEET TITLE
FLOOR PLAN

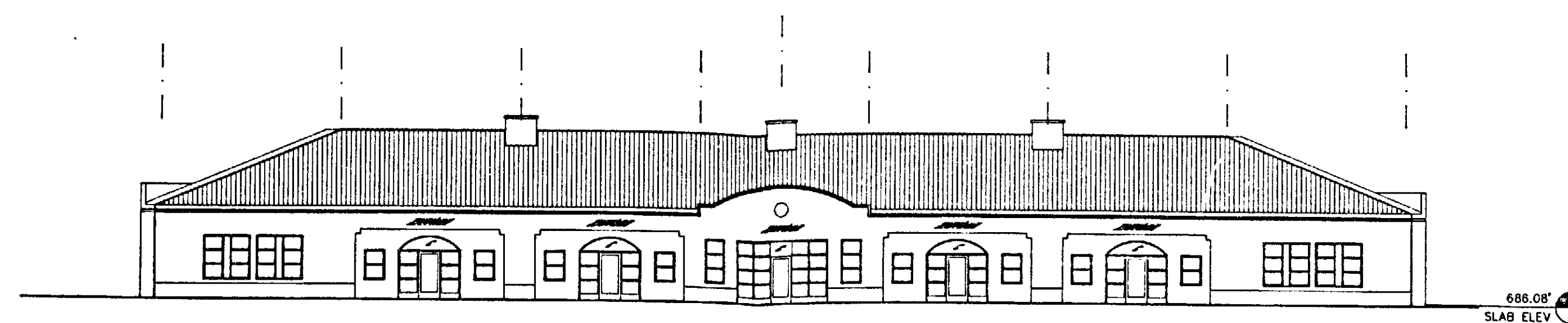
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DATE 12/4/89

DRAWING

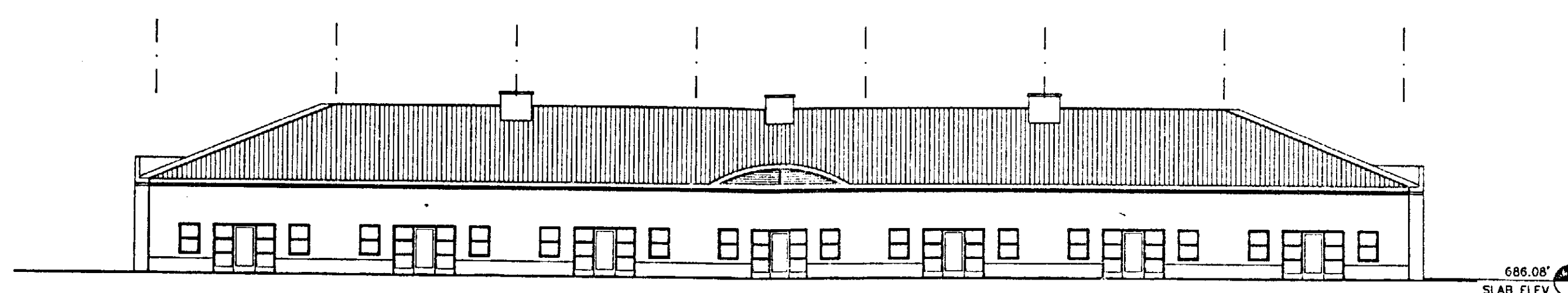
A2.1

SHEET OF

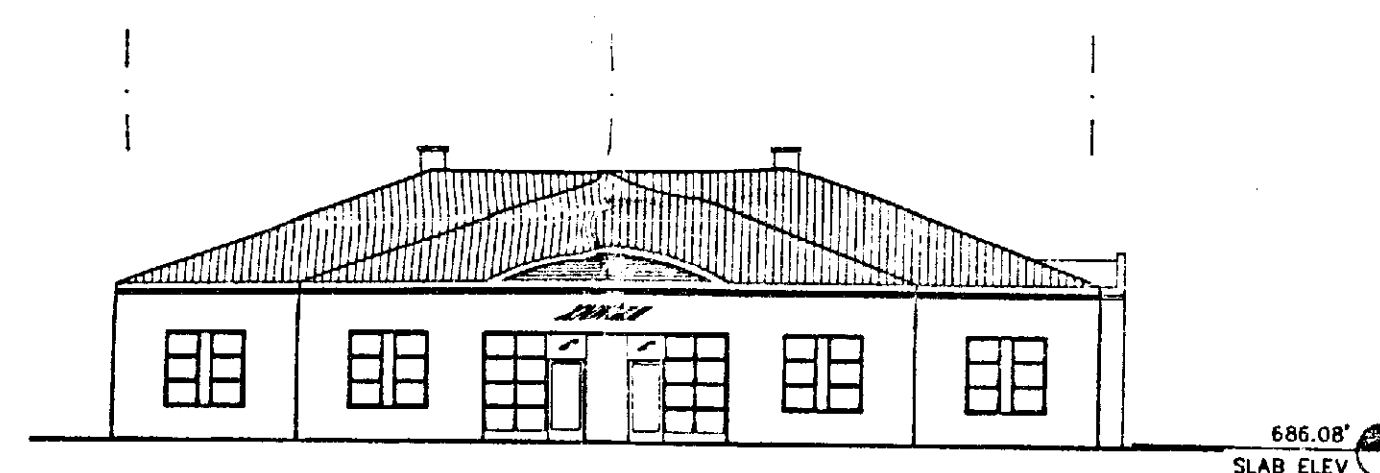
FRANKLIN BOULEVARD
OFFICE BUILDING



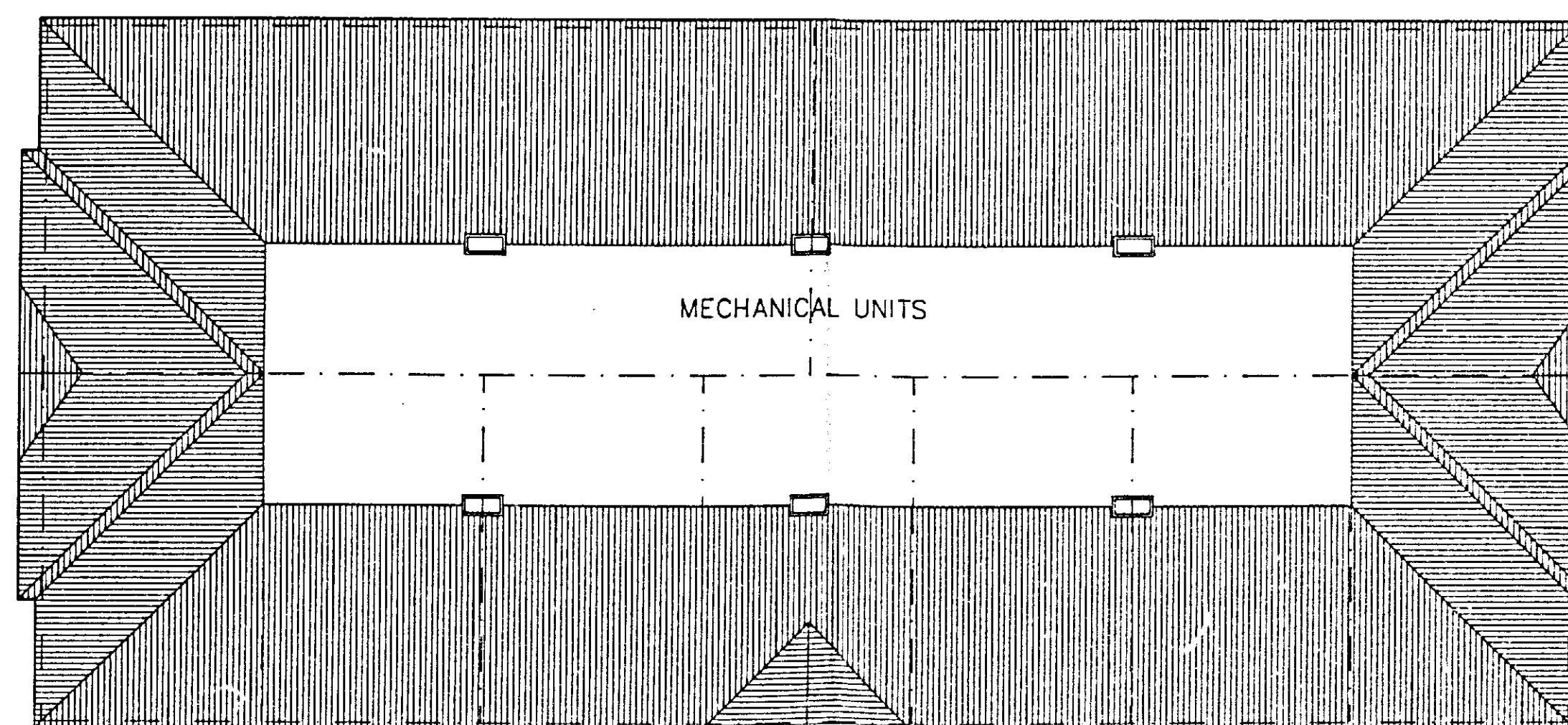
1 WEST ELEVATION
A2.2 1/16"=1'-0"



2 EAST ELEVATION
A2.2 1/16"=1'-0"



3 NORTH/SOUTH ELEVATION
A2.2 1/16"=1'-0"



4 FLOOR PLAN BUILDING "B"
A2.2 1/16"=1'-0" 14,625 SQ. FT.

**PETITIONER'S
EXHIBIT 3**

90-518XA
90-519XA

REVISED

SHEET TITLE
FLOOR PLAN

DRAWN KML
SCALE 1/16"=1'
DATE 12/4/89

DRAWING

A2.2

SHEET OF